THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24532 of 2006

Date : 24-11-2006

Between:

Varagani Srihari s/o.Veerabhadramu
and others ..
Petitioners

and

Government of A.P.
Represented by its Secretary,
Panchayat Raj & Rural Development
and others ..
Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24532 of 2006

ORDER:-

Heard the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents Nos.3 to 5 in deleting the names of the petitioners from the Voters List in respect of the elections for Gram Panchayat of Mutharam (v), Mudigonda (m), Khammam District scheduled to be held on 1-12-2006 as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondents to allow the petitioners to participate in the said elections by including their names in Voters List and pass such other suitable orders.

3. Sri V.V.Prabhakar Rao on instructions had stated that an order was made by R.5 on 10-10-2006 deleting these names after following the procedure. However, it is

stated by Sri Kowturi Vinaya Kumar that no notice in fact had been served and no opportunity had been given and the petitioners were kept in total darkness.

4. Several factual details are narrated in the affidavit filed in support of the Writ Petition. The records also are produced before this Court to show that proper procedure had been followed and it is stated that the order had been displayed at Gram Panchayat Office. This Court as Writ Court cannot go into the factual controversies between the parties. Hence, liberty is given to the petitioners to question the said order of R.5 by preferring appeals to the Appellate Authority – R.3 if the petitioners are so advised. It is needless to say that the petitioners are at liberty to raise all these grounds raised in the affidavit filed in support of the Writ Petition and also additional grounds if any as may be advised in this regard while preferring appeals to R.3 and it is needless to say that R.3 to consider the same and pass appropriate orders in accordance with law at the earliest point of time keeping the urgency in view.

5. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

Date : 24th November, 2006

Note:
Furnish copy by tomorrow.

smr